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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,844	08/01/2003	Kazutaka Okuzako	1247-0521P	1040
2292	7590	04/21/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			IWUCHUKWU, EMEKA DERRICK	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,844	Applicant(s) OKUZAKO ET AL.	
	Examiner Emeka D. Iwuchukwu	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,2,5&6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2002/0142810 A1 to Kawasaki et al. (*hereinafter Kawasaki*).

With respect to claim 1, Kawasaki teaches a portable information processing apparatus comprising: a first movable part (11, Figs 1A,4C); a second movable part (12, Fig 1A), the first movable part and the second movable part being connected so as to be mutually angularly

displaceable, from a closed condition where the movable parts are opposed to each other to an open condition where areas of the first and second movable parts opposed in the closed condition are exposed to the outside (Figs 4A-C); an inner operation section for entering predetermined information, the inner operation section being provided in an area of the second movable part opposed to the first movable part in a closed condition where the first and second movable parts are opposed to each other (14, Fig 1A); an inner display for displaying a predetermined display content in response to predetermined information entered from the inner operation section, the inner display being provided in an area of the first movable part opposed to the second movable part in a closed condition where the first and second movable parts are opposed to each other (13, Figs 1A,4C); an outer display for displaying a predetermined display content, the outer display being provided in an area exposed to the outside, of at least one of the first movable part and second movable part in a closed condition where the first and second movable parts are opposed to each other (21, Figs 1C,4B); and an outer operation section for entering predetermined information on the predetermined display content displayed on the outer display, the outer operation section being provided in an area other than the exposed area of at least one of the first and second movable parts whichever comes behind the outer display in a closed condition where the first and second movable parts are opposed to each other (14i, Fig 1B; paragraphs 71-75).

With respect to claim 2, Kawasaki teaches the portable information processing apparatus of claim 1, further comprising: an imaging section disposed on the exposed area, for shooting an image in response to predetermined information entered from one of the inner operation section and the outer operation section, the imaging section being provided facing the

same side as the side where the display face of the outer display faces (22, Fig 9), wherein an image shot with the imaging section is displayed on at least one of the inner display and the outer display corresponding to one of the inner operation section and the outer operation section from which the predetermined information used to shoot an image with the imaging section was entered (paragraphs 71-75).

With respect to claim 5, Kawasaki teaches the portable information processing apparatus of claim 3, wherein the condition detector comprises: a discrete contact section where one set of discrete contacts and another set of discrete contacts formed in the shape of comb teeth are formed in engagement while spaced from each other in a substrate face direction (16, 16a Fig 1A); and a common contact section for mutually providing electric connection between the discrete contacts in a closed condition where the first and second movable parts are opposed to each other or in an open condition where the areas opposed in the closed condition are exposed to the outside (paragraphs 75, 76).

With respect to claim 6, Kawasaki teaches the portable information processing apparatus of claim 1, further comprising: an externally oriented imaging section provided in the exposed area (22, Fig 1C, 4B&9); and a controller for causing the imaging section to shoot an image in response to predetermined information entered from one of the inner operation section and the outer operation section and displaying the image shot by the imaging section on at least one of the inner display and the outer display corresponding to one of the inner operation section and the outer operation section from which the predetermined information was entered (paragraph 109).

6. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2004/0077386 A1 to Nagasawa.

Nagasawa teaches a portable information processing apparatus comprising: a first movable part (1, Figs 1-3B); a second movable part (2, Figs 1-3A), the first movable part and the second movable part being connected so as to be mutually angularly displaceable, from a closed condition where the movable parts are opposed to each other to an open condition where areas of the first and second movable parts opposed in the closed condition are exposed to the outside (Figs 1&2); an inner operation section for entering predetermined information, the inner operation section being provided in an area of the second movable part opposed to the first movable part in a closed condition where the first and second movable parts are opposed to each other (Fig 2B); an inner display for displaying a predetermined display content in response to predetermined information entered from the inner operation section, the inner display being provided in an area of the first movable part opposed to the second movable part in a closed condition where the first and second movable parts are opposed to each other (Fig 2B); an outer display for displaying a predetermined display content, the outer display being provided in an area exposed to the outside, of at least one of the first movable part and second movable part in a closed condition where the first and second movable parts are opposed to each other (Fig 1B); and an outer operation section for entering predetermined information on the predetermined display content displayed on the outer display, the outer operation section being provided in an area other than the exposed area of at least one of the first and second movable parts whichever comes behind the outer display in a closed condition where the first and second movable parts are opposed to each other (Fig 1B).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2002/0142810 A1 to Kawasaki et al. (*hereinafter Kawasaki*).

Kawasaki teaches the portable information processing apparatus of claim 1, further comprising: a condition detector for detecting a closed condition and an open condition of the first and second movable parts (paragraph 75). Kawasaki fails to expressly disclose the inner operation section is activated and the outer operation section is deactivated in case the first and second movable parts are in an open condition and the inner operation section is deactivated and the outer operation section is activated in case the first and second movable parts are in a closed condition, however the Examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to activate and deactivate the inner and outer portions when in an open condition and vice versa.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to activate and deactivate the inner and outer portion when the phone is in an open condition to conserve battery power since most of the keys include a backlight.

10. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2002/0142810 A1 to Kawasaki et al. (*hereinafter Kawasaki*) in view of U.S. Patent No. 6,445,932 to Soini et al. (*hereinafter Soini*).

Kawasaki teaches the portable information processing apparatus of claim 1. Kawasaki fails to expressly disclose at least one of the inner operation section and the outer operation section includes an operation selector for activating one of the inner operation section and the outer operation section and deactivating the other one of the inner operation section and the outer operation section.

In the same field of endeavor, Soini teaches a similar portable information processing apparatus wherein at least one of the inner operation section and the outer operation section includes an operation selector for activating one of the inner operation section and the outer operation section and deactivating the other one of the inner operation section and the outer operation section (Figs 1,2, Claims 11,13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an operation selector for activating one of the operation sections and deactivating the other to conserve the unit's battery power.

11. **Claim 7** is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Publication 2002/0142810 A1 to Kawasaki et al. (*hereinafter Kawasaki*) in view of U.S. Patent Publication 2003/0186708 to Parulski et al. (*hereinafter Parulski*).

The Examiner notes that, the language used by the Applicant merely suggests or makes optional those features described as “capable”; such language does not require steps to be performed or limit the claim to a particular structure.

Kawasaki teaches the portable information processing apparatus of claim 6, wherein the controller sets the outer operation section to a command input function capable of inputting a command related to photographing on the outer display. Kawasaki fails to expressly disclose setting it to be capable of inputting a command while displaying the image shot by the imaging section.

In the same field of endeavor, Parulski teaches a similar apparatus capable of inputting a command relating to photographing, while displaying the image shot by the imaging section (Fig 9, paragraph 64)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the input command capability so the user can control the image (e.g. zoom as taught by Parulski, paragraph 64) on the outer display.

Allowable Subject Matter

12. Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,957,083 to Ikeda et al.

Art Unit: 2617

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka D. Iwuchukwu whose telephone number is (571) 272-5512. The examiner can normally be reached on M-F (9AM - 5.30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDI


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PRIMARY EXAMINER